

WEDNESDAY, APRIL 17, 2002
EIGHTY-THIRD LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Overbey.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative S. Jones; illness.

Representative Roach; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 245: Rep(s). Sands and White as prime sponsor(s).

House Joint Resolution No. 842: Rep(s). Patton, Davidson and McDonald as prime sponsor(s).

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Joint Resolution No. 843: Rep(s). White as prime sponsor(s).

House Joint Resolution No. 852: Rep(s). Beavers as prime sponsor(s).

House Joint Resolution No. 853: Rep(s). Beavers as prime sponsor(s).

House Bill No. 782: Rep(s). Bowers, Turner (Hamilton), Brooks, J. DeBerry, Cooper and Towns as prime sponsor(s).

House Bill No. 2064: Rep(s). Briley, Bowers, Turner (Hamilton) and Fitzhugh as prime sponsor(s).

House Bill No. 2280: Rep(s). Bowers, Fitzhugh and White as prime sponsor(s).

House Bill No. 2530: Rep(s). Naifeh and Baird as prime sponsor(s).

House Bill No. 2808: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2888: Rep(s). Hargett as prime sponsor(s).

House Bill No. 2920: Rep(s). Bowers as prime sponsor(s).

House Bill No. 3131: Rep(s). Shepard, Turner (Hamilton), Patton, Ford, Arriola, Goins and Sargent as prime sponsor(s).

House Bill No. 3138: Rep(s). Scroggs as prime sponsor(s).

MESSAGE FROM THE SENATE

April 11, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1867 and 2844; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 11, 2002

The Speaker signed the following: Senate Bill(s) No(s). 1867 and 2844.

ENROLLED BILLS

April 11, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 3140.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 11, 2002**

The Speaker signed the following: House Bill(s) No(s). 3140.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 11, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3140; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
April 11, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 3140.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
April 11, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 710, 1537, 2055, 2219, 2403, 2572, 2724, 2912, 3199, 3245; House Joint Resolution(s) No(s). 798; also, House Resolution(s) No(s). 239, 240, 241, 242, 243 and 244.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 11, 2002**

The Speaker signed the following: House Bill(s) No(s). 710, 1537, 2055, 2219, 2403, 2572, 2724, 2912, 3199, 3245; House Joint Resolution(s) No(s). 798; also, House Resolution(s) No(s). 239, 240, 241, 242, 243 and 244.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 11, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 710, 1537, 2055, 2219, 2403, 2572, 2724, 2912, 3199, 3245; also, House Joint Resolution(s) No(s). 798; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 11, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3140, with his approval.

JAY BALLARD, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

April 11, 2002

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1267.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 11, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 206, 2138, 2182, 2217, 2267, 2377, 2418, 2548, 2675, 2765, 2774, 2798, 2854, 2930, 2933, 3061, 3095, 3181, 3197; also, Senate Joint Resolution(s) No(s). 592, 596, 598, 601, 602, 603, 607, 609, 610, 612, 613, 614, 615, 617, 618, 619, 620, 621, 622, 626 and 640 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 11, 2002

The Speaker signed the following: Senate Bill(s) No(s). 206, 2138, 2182, 2217, 2267, 2377, 2418, 2548, 2675, 2765, 2774, 2798, 2854, 2930, 2933, 3061, 3095, 3181, 3197; also, Senate Joint Resolution(s) No(s). 592, 596, 598, 601, 602, 603, 607, 609, 610, 612, 613, 614, 615, 617, 618, 619, 620, 621, 622, 626 and 640.

REPORT OF CHIEF ENGROSSING CLERK

April 15, 2002

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 710, 1537, 2055, 2219, 2403, 2572, 2724, 2912, 3199, 3245; also, House Joint Resolution(s) No(s). 798.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 682, 683 and 684; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 682 -- Memorials, Public Service - Thomas E. Boggs, Jefferson Award Winner. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Burks, *Cohen.

Senate Joint Resolution No. 683 -- Memorials, Sports - University of Memphis Men's Basketball Team 2002 NIT Champions. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

Senate Joint Resolution No. 684 -- Memorials, Academic Achievement - Quique Huerta, perfect scores on ACT and SAT. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2255.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2327; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2327** -- Alcoholic Beverages - Authorizes motor speedway located in Shelby County to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by *Kyle. (HB3079 by *Miller L)

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 531, 624, 627 and 628; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 531 -- Naming and Designating - "Police Memorial Day", May 15, 2002, "Police Memorial Week", May 12-18, 2002. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 624 -- Memorials, Sports - Coach Verties Sails, Jr., Southwest Tennessee Community College. by *Wilder, *Cohen, *Dixon.

Senate Joint Resolution No. 627 -- Memorials, Recognition - Frayser Fun Fest. by *Kyle.

Senate Joint Resolution No. 628 -- Memorials, Death - Clarice Lee Miller. by *Henry.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 573; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1201; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2196; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 2196 -- Alcoholic Beverage Commission - Extends period of time alcoholic beverage commission may issue temporary employee or server permit from 60 days to 90 days. Amends TCA Title 57, Chapter 3, Part 7. by *Haynes. (*HB2183 by *Kent)

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 631, 632, 633, 634, 635, 636, 637, 638, 639, 642, 644, 651, 652, 653, 654, 655, 656, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677 and 678; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 631 -- Memorials, Death - Ray Patterson. by *Herron.

Senate Joint Resolution No. 632 -- Memorials, Retirement - Maurice W. Elliott. by *Herron, *Dixon.

Senate Joint Resolution No. 633 -- Memorials, Sports - Trey Pearson. by *Herron.

Senate Joint Resolution No. 634 -- Memorials, Death - Colonel Nathan S. Hale. by *Crowe, *Henry.

Senate Joint Resolution No. 635 -- Memorials, Recognition - Mark C. Hicks, Jr. by *Crowe.

Senate Joint Resolution No. 636 -- Memorials, Sports - Tennessee Temple High School Class A State Champions. by *Fowler.

Senate Joint Resolution No. 637 -- Memorials, Sports - Vanderbilt Commodore Women's Basketball Team 2001-2002 season. by *Henry, *Cohen.

Senate Joint Resolution No. 638 -- Memorials, Public Service - W. Jeff Reynolds. by *Henry, *Rochelle, *Dixon, *Herron.

Senate Joint Resolution No. 639 -- Memorials, Recognition - Joseph Partridge, Sr. by *Crutchfield.

Senate Joint Resolution No. 642 -- Memorials, Sports - Tennessee Technological University Men's Basketball Team. by *Burks.

Senate Joint Resolution No. 644 -- Memorials, Sports - White Station High School Spartans, 2002 TSSAA Class AAA Basketball State Champions. by *Cohen, *Dixon.

Senate Joint Resolution No. 651 -- Memorials, Academic Achievement - Leslie Nicole Wilhite, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 652 -- Memorials, Academic Achievement - Joshua Duane Backman, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 653 -- Memorials, Academic Achievement - Jennifer Renee Bollig, Salutatorian, Beech High School. by *Graves.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 654 -- Memorials, Academic Achievement - Lauren Suzanne Hilgadiack, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 655 -- Memorials, Academic Achievement - Erin Ashley Elliot, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 656 -- Memorials, Academic Achievement - Lydia Collins, Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 661 -- Memorials, Academic Achievement - Jimmy Lee Kerrigan, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 662 -- Memorials, Academic Achievement - Amy Elizabeth Hamilton, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 663 -- Memorials, Academic Achievement - David Cameron Calvert, Salutatorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 664 -- Memorials, Academic Achievement - Clinton Tony Head, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 665 -- Memorials, Academic Achievement - Darren Rian Gregory, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 666 -- Memorials, Academic Achievement - Ashonda Brazzel, Valedictorian, Raleigh-Egypt High School. by *Kyle.

Senate Joint Resolution No. 667 -- Memorials, Academic Achievement - Francis La'Tai Smith, Salutatorian, Raleigh-Egypt High School. by *Kyle.

Senate Joint Resolution No. 668 -- Memorials, Academic Achievement - Diemvan T. Nguyen, Valedictorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 669 -- Memorials, Academic Achievement - Elizabeth Cummings, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 670 -- Memorials, Academic Achievement - Ngoc Diep Thi Quach, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 671 -- Memorials, Academic Achievement - Latrista Dynell Harris, Salutatorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 672 -- Memorials, Academic Achievement - Kimberly Denise Williams, Valedictorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 673 -- Memorials, Academic Achievement - Erin Jeanne Lightman, Salutatorian, Ridgeway High School. by *Kyle, *Cohen.

Senate Joint Resolution No. 674 -- Memorials, Academic Achievement - Hindi Omar Hussein, Valedictorian, Craigmont High School. by *Kyle.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 675 -- Memorials, Academic Achievement - Kim Phuong Thi Truong, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 676 -- Memorials, Academic Achievement - Jessica Ilana Rothschild, Valedictorian, White Station High School. by *Kyle, *Cohen.

Senate Joint Resolution No. 677 -- Memorials, Academic Achievement - Lingyun Xiong, Salutatorian, White Station High School. by *Kyle, *Cohen.

Senate Joint Resolution No. 678 -- Memorials, Academic Achievement - Mark Joseph Laabs, Salutatorian, White Station High School. by *Kyle, *Cohen.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2812; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2812** -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Rochelle. (HB3013 by *Kisber)

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3028; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2390; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Winningham was recognized in the Well to introduce the Jackson County High School Lady Blue Devils, 2002 TSSAA Class AA Basketball Champions, for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 793.

House Joint Resolution No. 793 -- Memorials, Sports - Jackson County High School Lady Blue Devils, 2002 TSSAA Class AA Basketball Champions. by *Winningham.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 830** -- Highway Signs - "Harriett Moore Memorial Road", S.R. 420 in Gibson County. by *Phelan.

House Transportation Committee

***House Joint Resolution No. 834** -- General Assembly, Directed Studies - Directs Tennessee Law Enforcement Advisory Council to study electronic recording of custodial interrogations of defendants in criminal cases. by *Buck, *Sands.

House Judiciary Committee

***House Joint Resolution No. 836** -- Highway Signs - Replaces signs for "S. Sgt. Raymond E. Cooley - Medal of Honor Recipient" and "S. Sgt. Ray E. Duke - Medal of Honor Recipient" on State Route 28 in Marion County. by *Rhinehart.

House Transportation Committee

***House Joint Resolution No. 862** -- General Assembly, Directed Studies - Directs Tennessee Law Enforcement Advisory Council to study electronic recording of custodial interrogations of defendants in criminal cases. by *Buck.

House Judiciary Committee

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 597** -- General Assembly, Statement of Intent or Position - Endorses concept of limiting motion picture previews to advertising motion pictures of same rating as feature presentation. by *Burchett, *Kyle.

House Judiciary Committee

***Senate Joint Resolution No. 608** -- General Assembly, Confirmation of Appointment - J.W. "Jim" Carpenter, Tennessee Forestry Commission. by *Wilder.

House Agriculture Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3270 -- Rogersville - Subject to local approval, restructures board of education. by *Givens.

House Bill No. 3271 -- Shelby County - Subject to local approval, repeals act creating Shelby County Agri-Center Commission. - Repeals Chapter 141 of the Private Acts of 1981. by *Bowers.

House Bill No. 3272 -- Newport - Subject to local approval, revises civil service system. Amends Chapter 104 of the Acts of 1903; as amended. by *Davis (Cocke).

House Bill No. 3273 -- Viola - Subject to local approval, decreases term of mayor and aldermen from four-year terms to two-year terms. Amends Chapter 320 of the Acts of 1901; as amended. by *Rhinehart.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 591 -- Criminal Offenses - Adds DVDs containing material harmful to minors to list of media prohibited to display for sale or rental anywhere minors are lawfully admitted. Amends TCA Title 39, Chapter 17 and Title 40. by *Miller J. (*HB405 by *Bunch)

Senate Bill No. 2153 -- Education - Requires CPR training in either junior or senior high school, as established by state board of education. Amends TCA Title 49, Chapter 6, Part 12. by *Dixon, *Davis L. (*HB2086 by *Turner (Davidson), *Jones, S., *Shepard)

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

***Senate Bill No. 2318** -- Domestic Violence - Establishes venue for all matters relating to orders of protection to be in county where petitioner or respondent resides or county where domestic abuse occurred. Amends TCA Title 36, Chapter 3, Part 6. by *Trail. (HB2526 by *McMillan)

***Senate Bill No. 2373** -- Election Laws - Allows coordinator of elections to sell registered voter lists at price determined by secretary of state with proceeds to be deposited in "voting machine loan fund". Amends TCA Section 2-2-138. by *Cohen. (HB2371 by *Jones U (Shelby), *Langster, *Bowers)

***Senate Bill No. 2374** -- Financial Responsibility Law - Requires issuance of citation to driver who fails to present satisfactory evidence of financial responsibility; requires that such citation identify offense charged and indicate time and place for driver to appear in court. Amends TCA Title 55, Chapter 12, Part 1. by *Cohen, *Dixon. (HB2393 by *Kent, *Bowers)

Senate Bill No. 2382 -- Welfare - Authorizes deduction from total income available for cost of long-term nursing home care for certain dental services provided to medicaid eligible recipients on-site by mobile dental services provider; establishes requirements, notification, deduction, and payment procedures for such services. Amends TCA Title 68, Chapter 11; Title 71, Chapter 1 and Title 71, Chapter 5. by *Jackson. (*HB2280 by *Kisber, *Maddox, *Jones, S., *Overbey, *Arriola, *Ferguson, *Clem, *DeBerry L, *Turner (Hamilton), *Johnson)

Senate Bill No. 2503 -- Consumer Protection - Prohibits price-gouging resulting from terrorist act, war, strike, or natural disaster. Amends TCA Title 47, Chapter 18 and Title 58, Chapter 2. by *Crutchfield, *Burks, *Crowe, *Fowler, *Person. (*HB2234 by *Odom)

***Senate Bill No. 2559** -- Divorce, Annulment and Alimony - Makes various changes to alimony and spousal support provisions. Amends TCA Title 36, Chapter 4; Title 36, Chapter 5; Title 36, Chapter 6 and Title 50, Chapter 2. by *Cohen. (HB2523 by *McMillan)

***Senate Bill No. 2568** -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6. by *Clabough. (HB2808 by *Cole (Dyer))

Senate Bill No. 2628 -- Education - Authorizes department of education to include information on driving under influence of drugs and alcohol and consequences of being arrested for alcohol- or drug-related offense to driver education courses. Amends TCA Title 49. by *Cooper J. (*HB2301 by *Kisber)

Senate Bill No. 2632 -- Education - Authorizes state building commission to require building renovation and expansion in school systems that have been placed on probation. Amends TCA Title 49, Chapter 2. by *Cooper J. (*HB2295 by *Davis (Cocke))

Senate Bill No. 2663 -- Tobacco, Tobacco Products - Prohibits children under 12 from sitting in public smoking areas and subjects adults who supervise such children to \$50.00 fine. Amends TCA Title 39, Chapter 17. by *Dixon. (*HB2416 by *Arriola)

Senate Bill No. 2928 -- Fire Prevention and Investigation - Requires commissioner of agriculture to develop and implement fee system for division of forestry's provision of fire protection on privately-owned forest lands, such fees to be directly assessed against respective private owners of forest land. Amends TCA Title 11, Chapter 4. by *Kyle. (*HB2502 by *Kernell)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3265 -- Williamson County -- Local Bill Held on House Desk

House Bill No. 3266 -- Williamson County -- Local Bill Held on House Desk

House Bill No. 3267 -- Robertson County -- Local Bill Held on House Desk

House Bill No. 3268 -- Jackson -- Local Bill Held on House Desk

House Bill No. 3269 -- McKenzie -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 11, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 17, 2002**: House Bill(s) No(s). 2280, 2283, 2920, 2678, 3079, 2064, 2484, 1818, 896, 3131, 2519 and 3161.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 17, 2002**: House Bill(s) No(s). 2677, 2835, 2893 and House Joint Resolution(s) No(s). 782.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 16, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 17, 2002**: House Bill(s) No(s). 3038, 2933, 2510, 2888, 3144, 2580, 2119, 2183, 2393, 3153, 2430, 2902, 2154, 2526, 2523, 2530, 2128 and 2996.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 17, 2002**: House Bill(s) No(s). 2506, 3111, 3184, 2528, 2737, 2741, 2728, 2719, 2740, 2726, House Joint Resolution(s) No(s). 723, Senate Joint Resolution(s) No(s). 576 and 497.

AGRICULTURE

The Agriculture Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1716 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 2124 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3010, 2339, 1247, 1816, 2250, 2970, House Joint Resolution(s) No(s). 683, also House Bill(s) No(s). 2672, 2371, 2258, 2434, 1194, House Joint Resolution(s) No(s). 746 and Senate Joint Resolution(s) No(s). 520 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2710, 2770, also House Bill(s) No(s). 2755 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 2405 be transmitted to the Conservation and Environment Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 3203 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 3125, also House Bill(s) No(s). 2924, 2699 and 2525 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2885 and 2652 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2623, also House Bill(s) No(s). 2320, 2553, 2387 and 2095 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2189; also House Bill(s) No(s). 3026 and 2197 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill No. 2095 was considered, but failed to pass.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 17, 2002**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2960 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2392, also House Bill(s) No(s). 2389, 2431 and 2332 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2845, 1876 and 2570 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2106 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2367, 2796, House Joint Resolution(s) No(s). 789, 779; also House Bill(s) No(s). 2246 and 3186 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED April 17, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 3151 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 3151 -- Traffic Safety -- House Judiciary Committee**

CONSENT CALENDAR

***House Joint Resolution No. 832** -- Memorials, Government Officials - Encourages Governor to recognize April 16, 2002, as "Equal Pay Day" in Tennessee. by *DeBerry L, *Naifeh.

House Joint Resolution No. 833 -- Memorials, Recognition - Community Development Services, Inc. by *Maddox, *Ridgeway, *Pinion, *Shepard.

House Bill No. 3259 -- Obion County - Subject to local approval, reapportions school districts to be coextensive with seven county legislative body districts and provides for transition to staggered four-year terms for school board members. by *Pinion. (SB3222 by *Herron)

House Bill No. 3260 -- Tipton County - Subject to local approval, restructures board of education from seven to nine members coterminous with county legislative districts. Amends ed. Repeals Chapter 378 of the Private Acts of 1947; as amended. by *Naifeh. (SB3214 by *Norris)

House Bill No. 3261 -- Gibson County - Subject to local approval, prescribes number of, and procedures for electing, members of board of commissioners for Gibson County Utility District. Amends Chapter 192 of the Private Acts of 1953; as amended. by *Phelan. (SB3219 by *Carter)

House Bill No. 3263 -- Carroll County - Pursuant to local request, revises tax rate in West Carroll Special School District. Amends Chapter 109 of the Private Acts of 1981, as amended. by *Phelan. (SB3220 by *Carter)

House Bill No. 2677 -- Election Laws - Increases from \$15.00 to \$25.00 minimum compensation for officers of elections, judges, machine operators, and inspectors for their services on election day. Amends TCA Title 2, Chapter 4. by *Miller L, *DeBerry J, *Bowers, *Jones U (Shelby). (*SB2291 by *Dixon)

House Bill No. 2835 -- Podiatrists - Prohibits discrimination by HMOs against podiatrists solely on basis of their licenses if podiatrists are acting within scope of their licenses. Amends TCA Title 56, Chapter 32. by *Armstrong, *Jones, S., *Arriola, *Ferguson, *Turner (Davidson), *Langster, *Pruitt, *Brooks, *Phillips, *Towns, *Briley, *Shepard, *Buck, *Pinion, *Maddox, *Fitzhugh, *Cole (Dyer), *Phelan, *Fraleigh, *West, *Bone, *Curtiss, *Hood, *Davidson, *Westmoreland. (*SB2025 by *Crutchfield)

On motion, House Bill No. 2835 was made to conform with **Senate Bill No. 2025**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 782 -- Naming and Designating - Tennessee Safe Kids Day, May 8, 2002. by *Caldwell.

***House Bill No. 2893** -- Securities - Authorizes Canadian broker-dealer to transact business in state without registering with commissioner of commerce and insurance in certain circumstances. Amends TCA Title 48, Chapter 2, Part 1. by *Sargent. (SB2940 by *Atchley)

***Senate Joint Resolution No. 576** -- Memorials, Government Officials - Expresses support for division of forestry's commitment to sustainable forest management in state forest system; commends division for attaining certification from Forest Stewardship Council and meeting preliminary requirements to proceed with certification process under Sustainable Forestry Initiative. by *Ramsey.

House Bill No. 2506 -- Taxes, Hotel Motel - Removes limitation prohibiting multiple taxation of same privilege with respect to occupancy tax and limitation on city or county to levy tax in circumstances where county and/or city has levied occupancy tax where city has constructed qualifying project under Convention Center and Tourism Development Financing Act of 1998. Amends TCA Section 67-4-1425 and Section 67-4-503. by *Brown. (*SB2514 by *Crutchfield)

On motion, House Bill No. 2506 was made to conform with **Senate Bill No. 2514**; the Senate Bill was substituted for the House Bill.

***Senate Joint Resolution No. 497** -- General Assembly, Statement of Intent or Position - Expresses support for memorials commemorating terrorist attacks of September 11; such memorials to be built using steel from remains of World Trade Center Towers and to be placed in American high schools. by *McNally, *Dixon, *Davis L, *Henry.

***House Joint Resolution No. 723** -- Highway Signs - "Lester Hailey Parkway", U.S. 51 within Town of Troy, Obion County. by *Pinion.

***House Bill No. 3184** -- Drugs - Requires director of TBI, board of pharmacy, and board of medical examiners to report on and make recommendations concerning problem of oxycontin abuse with particular attention to issue in rural areas. Amends TCA Title 39; Title 53 and Title 63. by *Maddox, *Cole (Dyer), *Fitzhugh. (SB3141 by *Herron, *Burks)

On motion, House Bill No. 3184 was made to conform with **Senate Bill No. 3141**; the Senate Bill was substituted for the House Bill.

House Bill No. 2528 -- Domestic Violence - Provides that petitioner for order of protection is not required to pay, upon filing of petition, any cost associated with service of order as well as other such costs. Amends TCA Section 36-3-617. by *McMillan. (*SB2578 by *Burks)

House Bill No. 2737 -- Sunset Laws - Tennessee advisory committee for acupuncture, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6. by *Kernell, *Brooks, *Cooper B. (*SB2113 by *Harper, *Burchett, *Trail)

House Bill No. 2741 -- Sunset Laws - Tennessee film, entertainment and music commission, June 30, 2008. Amends TCA Title 4, Chapter 3 and Title 4, Chapter 29. by *Kernell, *Brooks, *Cooper B. (*SB2075 by *Harper)

On motion, House Bill No. 2741 was made to conform with **Senate Bill No. 2075**; the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Bill No. 2728 -- Sunset Laws - Center for earthquake research and information, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by *Kernell, *Brooks, *Cooper B. (*SB2047 by *Harper)

On motion, House Bill No. 2728 was made to conform with **Senate Bill No. 2047**; the Senate Bill was substituted for the House Bill.

House Bill No. 2719 -- Sunset Laws - Removes Jerry F. Agee Tennessee law enforcement training academy from sunset provisions. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 8. by *Kernell, *Brooks, *Cooper B. (*SB2032 by *Harper, *Burchett, *Trail)

On motion, House Bill No. 2719 was made to conform with **Senate Bill No. 2032**; the Senate Bill was substituted for the House Bill.

House Bill No. 2740 -- Sunset Laws - Tennessee peace officers standards and training commission, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 8. by *Kernell, *Brooks, *Cooper B. (*SB2074 by *Harper, *Burchett, *Dixon)

On motion, House Bill No. 2740 was made to conform with **Senate Bill No. 2074**; the Senate Bill was substituted for the House Bill.

House Bill No. 2726 -- Sunset Laws - Investment advisory council, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 8, Chapter 37. by *Kernell, *Cooper B. (*SB2034 by *Harper, *Burchett, *Trail)

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended to allow House Joint Resolution No. 846 to be introduced and added to the Consent Calendar as follows:

House Joint Resolution No. 846 -- Memorials, Death - Reverend D.G. Gray, Sr. by *DeBerry L.

Without objection, it was so ordered.

CONSENT CALENDAR, CONTINUED

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2893: by Rep. Turner (Davidson)

Under the rules, House Bill(s) No(s). 2893 was/were placed at the foot of the calendar for April 24, 2002.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 856 out of order, which motion prevailed.

House Joint Resolution No. 856 -- General Assembly, Recess & Reconvene -
Recesses 102nd General Assembly from close of business on Wednesday, April 17, 2002, and reconvenes on Wednesday, April 24, 2002, at 1:00 p.m.; recesses General Assembly at close of business on Wednesday, April 24, 2002, and reconvenes on Wednesday, May 1, 2002 at 1:00 p.m. by *Davidson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davidson, and seconded by Rep. McDaniel, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 3138** -- Environment and Conservation, Department of - Requires department to maintain registry of riparian lands along designated scenic rivers that are not within scenic river boundary; classifies Wolf river and state forests in certain counties as natural areas; adjusts acreage of certain natural areas. Amends Chapters 13 and 14 of Title 11. by *Sands. (SB3074 by *Burks)

Further consideration of House Bill No. 3138 previously considered on April 3, 2002, at which time it was reset for today's Calendar.

Rep. Sands moved that House Bill No. 3138 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

House Bill No. 3258 -- Alcoa - Subject to local approval, authorizes nonresident property owners to vote in municipal elections if they own at least 50 percent fee simple interest in real property that is located within municipal limits and has total appraised value of at least \$250,000. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord. (SB3202 by *Clabough)

Further consideration of House Bill No. 3258 previously considered on April 10, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. McCord moved that House Bill No. 3258 be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. McCord moved that **House Bill No. 3258** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	69
Noes	17
Present and not voting	6

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Ridgeway, Rinks, Rowland, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Vincent, Walker, West, Westmoreland, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Armstrong, Arriola, Brown, Chumney, DeBerry J, DeBerry L, Ferguson, Jones U, Lewis, Phillips, Pruitt, Shaw, Towns, Turner (Shelby), Turner (Davidson), White, Windle -- 17.

Representatives present and not voting were: Bowers, Brooks, Cooper, Langster, Miller, Rhinehart -- 6.

A motion to reconsider was tabled.

House Bill No. 2686 -- Smith County - Pursuant to local request, restructures Smith County board of education from seven to eight members to conform to county legislative districts. - Repeals Chapter 46 of the Private Acts of 1959. by *Buck.

Further consideration of House Bill No. 2686 previously considered on April 10, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

BILL RE-REFERRED

Rep. Buck moved that House Bill No. 2686 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***Senate Joint Resolution No. 555** -- Constitutional Amendments - Proposes amendment to Article VI, Section 14 of Tennessee Constitution, relative to general assembly prescribing maximum fine to be assessed without jury. by *Haynes, *Cohen, *Dixon.

Further consideration of Senate Joint Resolution No. 555 previously considered on April 10, 2002, at which time it was read for the first Constitutional reading and reset for today's Calendar.

Rep. Sands requested that the Clerk read Senate Joint Resolution No. 555 for the second Constitutional reading, according to the Tennessee Constitution.

The Clerk read Senate Joint Resolution No. 555.

Rep. Sands moved that Senate Joint Resolution No. 555 be reset for the Regular Calendar on April 24, 2002, for third and final reading, which motion prevailed.

House Bill No. 3044 -- Professions and Occupations - Adds licensed senior psychological examiners and certified psychological assistants to list of persons allowed to advertise services and persons bound to keep client communications confidential; prohibits employee assistance professionals from practicing as licensed senior psychological examiners and certified psychological assistants. Amends TCA Title 62. by *Odom. (*SB2533 by *McNally)

Further consideration of House Bill No. 3044 previously considered on April 10, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 3044 was made to conform with **Senate Bill No. 2533**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2533 be passed on third and final consideration.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 2533** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2949 -- Accountants - Deletes attorney position from board of accountancy; deletes term of office of executive director of board; authorizes board to make expenditures that are provided in approved budget of board. Amends TCA Title 62, Chapter 1, Part 1. by *Rinks. (*SB2916 by *Atchley)

Further consideration of House Bill No. 2949 previously considered on April 10, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2949 was made to conform with **Senate Bill No. 2916**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 2916 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rinks moved that **Senate Bill No. 2916** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 3020** -- Firearms and Ammunition - Adds state or county magistrates to list of officials who may carry handgun pursuant to written directive and adds such magistrates to list of officials whose title provides them with defense to offense of unlawful carrying or possession of weapon. Amends TCA Title 39, Chapter 17, Part 13. by *Buck. (SB3010 by *Burchett)

Further consideration of House Bill No. 3020 previously considered on April 10, 2002, at which time the House adopted Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. Buck moved that House Bill No. 3020, as amended, be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 3020**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	2
Present and not voting	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Bowers, Brooks -- 2.

Representatives present and not voting were: Armstrong, Caldwell -- 2.

A motion to reconsider was tabled.

House Bill No. 782 -- Welfare - Allows state, pursuant to federal statute, to exempt individual convicted of felony involving possession, use, or distribution of controlled substance from federal prohibition against eligibility for Families First program and for food stamps if such individual is in treatment for substance abuse or has completed treatment. Amends TCA Title 71, by *Briley, *Arriola, *Pruitt, *Langster, *Shaw. (*SB264 by *Harper)

Further consideration of House Bill No. 782 previously considered on May 21, 2001, January 10, 2002, January 31, 2002 and February 14, 2002, at which time it was held on the Clerk's desk and reset for today's Calendar.

On motion, House Bill No. 782 was made to conform with **Senate Bill No. 264**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 264 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Langster moved the previous question, which motion prevailed.

Rep. Briley moved that **Senate Bill No. 264** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	51
Noes	36
Present and not voting	6

Representatives voting aye were: Armstrong, Arriola, Beavers, Black, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, DeBerry J, DeBerry L, Fowlkes, Fraley, Garrett, Givens, Hood, Jones U, Kent, Kemell, Kisber, Langster, Maddox, McKee, McMillan, Miller, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, White, Winningham, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Baird, Bittle, Bone, Boyer, Bunch, Buttry, Casada, Clem, Davidson, Davis (Washington), Davis (Cocke), Ferguson, Ford, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Johnson, McCord, McDaniel, McDonald, Montgomery, Mumpower, Odom, Overbey, Sargent, Scroggs, Sharp, Vincent, West, Westmoreland, Whitson, Windle, Wood -- 36.

Representatives present and not voting were: Dunn, Lewis, Patton, Rhinehart, Rowland, Todd -- 6.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 264 and have this statement entered in the Journal: Rep(s). Beavers.

REGULAR CALENDAR, CONTINUED

House Bill No. 2808 -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6. by *Cole (Dyer). (*SB2568 by *Clabough)

Further consideration of House Bill No. 2808 previously considered on April 10, 2002, at which time it was reset for today's Calendar.

Rep. Cole (Dyer) moved that House Bill No. 2808 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

House Bill No. 3013 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2812 by *Rochelle)

Rep. Kisber requested that House Bill No. 3013 be moved to the heel of the Calendar.

***House Bill No. 3161** -- Highway Signs - "Candace Ripp Memorial Parkway", segment of U.S. 31A (S.R. 6 or Ellington Parkway) in Davidson County, by *Pruitt, *Langster. (SB3089 by *Harper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen.)

On motion, House Bill No. 3161 was made to conform with **Senate Bill No. 3089**; the Senate Bill was substituted for the House Bill.

Rep. Pruitt moved that Senate Bill No. 3089 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 3089 By inserting the following language as a new, appropriately designated section immediately preceding the effective date section:

SECTION ____.

(1) This act shall become operative only if Davidson County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Davidson County shall make such payment prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Davidson County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Davidson County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Davidson County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Pruitt moved that **Senate Bill No. 3089**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2519 -- Highway Signs - "Robert E. Lillard Memorial Highway", segment of S.R. 1 (Lafayette Street) in Davidson County. by *Pruitt, *Langster. (*SB2780 by *Harper, *Haynes, *Henry)

On motion, House Bill No. 2519 was made to conform with **Senate Bill No. 2780**; the Senate Bill was substituted for the House Bill.

Rep. Pruitt moved that Senate Bill No. 2780 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2780 By inserting the following language as a new, appropriately designated section immediately preceding the effective date section:

SECTION __.

(1) This act shall become operative only if Davidson County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Davidson County shall make such payment prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Davidson County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Davidson County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Davidson County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Pruitt moved that **Senate Bill No. 2780**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2484** -- Law Enforcement - Creates mechanism for designation of memorial highways for law enforcement officers killed in line of duty. Amends TCA Title 54, by *Bittle, *Bone, *Shepard, *Miller L. (SB2699 by *Burchett)

Rep. Bittle moved that House Bill No. 2484 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2484 By deleting all language of the printed bill after the caption and by substituting instead the following:

WHEREAS, from time to time, the elected representatives of this state have seen fit to name certain highways in honor of those courageous public servants who made the ultimate sacrifice while protecting their fellow citizens and preserving the public safety; and

WHEREAS, one such person who is especially deserving of this honor is the late John Robert Davis, a devoted Tennessee State Trooper who courageously gave his life in the line of duty; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE
STATE OF TENNESSEE:

SECTION 1. Notwithstanding any other provision of law to the contrary, the segment of Interstate Highway 40 (The Music Highway) from Mile Marker 163 to Mile Marker 172 in Dickson County is hereby designated as the "Trooper John Robert Davis Memorial Highway" as a lasting tribute to this exemplary state trooper and his life of purpose and commitment to the public welfare.

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers, both eastbound and westbound, designating such segment of Interstate Highway 40 as the "Trooper John Robert Davis Memorial Highway".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2484 by adding to the bill as amended by House Transportation Committee Amendment No. 1 (HA0791) the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 5. Tennessee Code Annotated, Title 54, Chapter 5, Part 10, is amended by adding the following language as a new, appropriately designated section:

Section 54-5-1003. The cost of signage and marking of an interstate, U.S. highway or state highway designated as a memorial highway for a state law enforcement officer killed in the line of duty shall be paid from the highway fund, subject to appropriation by the general assembly.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Bittle moved that **House Bill No. 2484**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2280** -- Welfare - Authorizes deduction from total income available for cost of long-term nursing home care for certain dental services provided to medicaid eligible recipients on-site by mobile dental services provider; establishes requirements, notification, deduction, and payment procedures for such services. Amends TCA Title 68, Chapter 11; Title 71, Chapter 1 and Title 71, Chapter 5. by *Kisber, *Maddox, *Jones, S., *Overbey, *Arriola, *Ferguson, *Clem, *DeBerry L, *Turner (Hamilton), *Johnson. (SB2382 by *Jackson)

On motion, House Bill No. 2280 was made to conform with **Senate Bill No. 2382**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2382 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2382** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2283 -- Taxes - Changes apportionment formula to property factor, plus payroll factor, plus three times receipts factor. Amends TCA Title 67. by *Kisber. (*SB2183 by *McNally)

Rep. Kisber moved that House Bill No. 2283 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2283 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-102, is amended by inserting the following sentence between the second and third sentences of subdivision (29):

"Tangible personal property" does not include signals broadcast over the airwaves.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Shaw moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2283**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2920 -- Industrial Development - Prohibits industrial development corporations in Shelby County, except joint county/municipal corporations, from negotiating lessee payments in lieu of taxes less than ad valorem taxes without prior county approval. Amends TCA Section 7-53-305. by *DeBerry L. (*SB2367 by *Cohen, *Kyle)

Rep. L. DeBerry moved that House Bill No. 2920 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2920 by deleting the language "Section 7-35-305" in SECTION 1 of the bill and substituting instead the language "Section 7-53-305"

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Bowers moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2920 by deleting the period at the end of the final sentence of Section 1 of the printed bill and by adding the following language to the end of that sentence:

and at least five (5) industrial development corporations formed under Tennessee Code Annotated, Title 7, Chapter 53.

On motion, Amendment No. 2 was adopted.

Rep. Cole (Dyer) moved the previous question, which motion prevailed.

Rep. L. DeBerry moved that **House Bill No. 2920**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	59
Noes	8
Present and not voting	24

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Head, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Sands, Scroggs, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, White, Windle, Winningham, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Clem, Dunn, Goins, Kent, Pleasant, Rhinehart, Stanley, Todd -- 8.

Representatives present and not voting were: Baird, Beavers, Bittle, Black, Bunch, Butry, Casada, Ford, Godsey, Harwell, Hood, Johnson, McCord, Mumpower, Overbey, Patton, Rowland, Sargent, Sharp, Tidwell, Vincent, West, Westmoreland, Wood -- 24.

A motion to reconsider was tabled.

House Bill No. 2678 -- Election Laws - Requires state coordinator of elections to adopt rules and regulations governing minimum standards for nonpartisan voter education. Amends TCA Title 2. by *Miller L, *Chumney, *Turner (Shelby), *Bowers, *DeBerry L, *Jones U (Shelby), *DeBerry J. (*SB2293 by *Dixon)

Rep. Miller moved that House Bill No. 2678 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

House Bill No. 3079 -- Alcoholic Beverages - Authorizes motor speedway located in Shelby County to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by *Miller L. (*SB2327 by *Kyle)

On motion, House Bill No. 3079 was made to conform with **Senate Bill No. 2327**; the Senate Bill was substituted for the House Bill.

Rep. Miller moved that **Senate Bill No. 2327** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes	14
Present and not voting	6

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Pleasant, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, Whitson, Winningham, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Beavers, Clem, Dunn, Ferguson, Goins, Hood, Maddox, McDonald, Pinion, Sharp, Todd, White, Windle, Wood -- 14.

Representatives present and not voting were: Baird, Brooks, Bunch, DeBerry J, Ford, Patton -- 6.

A motion to reconsider was tabled.

***House Bill No. 2064** -- Hospitals and Health Care Facilities - Extends from 2002 to 2004 expiration of exception to definition of home health services for nursing care and therapy services rendered by community agencies for developmentally disabled. Amends TCA Title 33 and Title 68, Chapter 985 of the Public Acts of 2000, and Chapter 282 of the Public Acts of 2001. by *Maddox, *Overbey, *Briley. (SB2809 by *Rochelle, *Person)

On motion, House Bill No. 2064 was made to conform with **Senate Bill No. 2809**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 2809 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Maddox moved that **Senate Bill No. 2809** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1818** -- Agriculture, Dept. of - Gives commissioner authority to establish fees for programs regulated by department in sufficient amount to recover at least majority of costs associated with implementation of various statutes with certain exceptions. Amends TCA Title 43; Title 44; Title 47; Title 53 and Title 62. by *Givens, *Walker. (SB1847 by *Elsa, *Cooper J, *Dixon)

On motion, House Bill No. 1818 was made to conform with **Senate Bill No. 1847**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 1847 be passed on third and final consideration.

On motion, Rep. Bowers withdrew Agriculture Committee Amendment No. 1.

On motion, Rep. Bowers withdrew Agriculture Committee Amendment No. 2.

Rep. Givens moved that **Senate Bill No. 1847** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bowers, Davis (Washington), McDonald -- 3.

A motion to reconsider was tabled.

House Bill No. 896 -- Courts, Supreme Court of Tennessee - Increases from three to four number of assignments in one year that senior judge must decline without good cause in order to have such judge's certification as senior judge terminated. Amends TCA Title 17, Chapter 2, Part 3. by *Buck, *Briley. (*SB1438 by *Person)

On motion, House Bill No. 896 was made to conform with **Senate Bill No. 1438**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1438 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Amendment No. 1 as House Amendment No. 2.

Rep. Buck moved that **Senate Bill No. 1438** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 3131 -- Taxes, Real Property - Grants property tax relief to disabled veterans who are determined to be legally blind by U.S. veterans' administration instead of totally blind. by *Ridgeway. (*SB2893 by *Henry)

On motion, House Bill No. 3131 was made to conform with **Senate Bill No. 2893**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 2893 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2893 by deleting the word "work" from the directory language of SECTION 1 and by substituting instead the word "word".

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved that **Senate Bill No. 2893**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 3038** -- AIDS, HIV and STDs - Requires person convicted of patronizing prostitution to submit to and pay for HIV test; applies same requirements which presently apply to person convicted of prostitution. Amends TCA Section 39-13-521. by *Jones U (Shelby). (SB3016 by *Dixon, *Burks)

On motion, House Bill No. 3038 was made to conform with **Senate Bill No. 3016**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 3016** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2933 -- Criminal Procedure - Provides that post-conviction defender is authorized to represent death-sentenced inmate in clemency proceedings and other ancillary actions necessary to protect constitutional rights of inmate prior to execution. Amends TCA Section 40-30-306. by *Briley. (*SB2477 by *Cohen)

Rep. Briley moved that House Bill No. 2933 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2933 by deleting SECTION 1 of the bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-30-306, is amended by adding the following new subsection:

(e) Where the post-conviction defender determines that it is in the interest of justice, the post-conviction defender may represent, without additional compensation, a death sentenced inmate, who, at the completion of both state post-conviction proceedings and federal collateral review, remains under a sentence of death, if such individual is presently represented by the post-conviction defender or if such individual is not currently represented by the post-conviction defender but is unable to secure counsel due to indigency, during clemency proceedings before the Tennessee board of probation and parole and the governor and in proceedings to determine whether the death sentenced inmate is competent to be executed.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Briley moved that **House Bill No. 2933**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	8
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Beavers, Buttry, Casada, Clem, Davis (Washington), Goins, Montgomery, Vincent -- 8.

Representatives present and not voting were: Bunch, McCord, Rowland, Todd -- 4.

A motion to reconsider was tabled.

House Bill No. 2510 -- Eminent Domain - Excludes redevelopment projects and redevelopment plans from prohibition on housing authority to take private property in urban renewal area by eminent domain for purposes of resale. Amends TCA Title 13, Chapter 20. by *Briley. (*SB2417 by *Haynes)

Rep. Briley moved that House Bill No. 2510 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

***House Bill No. 2888** – TennCare - Authorizes office of health services to issue subpoenas and compel attendance of witnesses and production of documents as part of TennCare enrollee investigation; punishes failure to comply as contempt of court. – TCA Title 71-5-118. by *Scroggs. (SB2961 by *Fowler)

On motion, House Bill No. 2888 was made to conform with **Senate Bill No. 2961**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 2961 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2961 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following as an appropriately designated new subsection:

(g) The Office of Health Services, Program Integrity Unit, when conducting any investigation relating to a TennCare enrollee/recipient, shall have the power to issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony relating to such investigation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Scroggs moved that **Senate Bill No. 2961**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Brown, Cooper -- 3.

A motion to reconsider was tabled.

***House Bill No. 3144** -- Courts, Probate - Provides that appeals from probate court not served by circuit judge or chancellor go to circuit court for de novo hearing and appeals from probate court served by circuit judge or chancellor go to court of appeals. Amends TCA Title 30; Title 31 and Title 32. by *Fowlkes. (SB3062 by *Fowler)

Rep. Fowlkes moved that House Bill No. 3144 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3144 by deleting the second sentence of the amendatory language of SECTION 1 and substituting instead the following:

If the probate court judge is not the circuit court judge or chancellor, the appeal shall be made to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

FURTHER AMEND by deleting subsection (a) of the amendatory language of SECTION 2 and substituting instead the following:

(a) Notwithstanding any other provision of law to the contrary, the appeal of any decision, ruling, order or judgment of a probate court that is served by a judge who is not the circuit court judge or chancellor of the judicial district in which the matter arose shall be to the appropriate trial court of general jurisdiction where the trial judge shall hear the matter de novo.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 3144**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2580 -- Probate Law - Makes certain changes relative to wills, probate, and estates Amends TCA Title 26; Title 30; Title 31; Title 32; Title 33; Title 35 and Title 66. by *Fowlkes. (*SB2353 by *Fowler)

Rep. Fowlkes moved that House Bill No. 2580 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2580 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 30-2-203, is amended by deleting the section in its entirety and substituting instead the following:

(a) When an application for homestead is filed pursuant to this part, it shall be served upon the personal representative, if one has been appointed, and to the heirs or devisees and distributees or legatees who reside in this state. If there is a minor interested, the guardian shall also be served, and, if not guardian has been appointed, the courts shall appoint a guardian ad litem for the minor. Service of the application upon the parties named pursuant to this subsection, shall constitute adequate notice of the application for homestead.

(b) It shall not be necessary to serve the application for homestead upon nonresidents, but any such nonresident interested in the estate and not so served shall have three (3) years from the date of the application to move for a rehearing of the cause. The filing of a petition for a rehearing and service of such petition on all interested parties shall constitute adequate notice of the rehearing. The cost of the rehearing shall be taxed as may be deemed just by the court.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 2580**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2119 -- Taxes, Inheritance Gift - Provides that gift to qualified Tennessee education savings plan (BEST program) is exempt from Tennessee gift tax to same extent as federal gift tax. Amends TCA Title 49, Chapter 7, Part 8 and Title 67. by *Fowlkes. (*SB2137 by *Fowler)

On motion, House Bill No. 2119 was made to conform with **Senate Bill No. 2137**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 2137 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Fowlkes moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2137 by deleting all language after the enacting clause as amended by Senate Amendment No. 1 (SA0830) and Senate Amendment No. 3 (SA0898) and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-8-104, is amended by adding the following new subsection:

(d) No provision of this title or any other law shall be construed to limit the gift tax exemption currently provided under §49-7-822 for contributions made to or on behalf of a beneficiary under Title 49, Chapter 7, Part 8. Contributions made to or on behalf of beneficiaries under Title 49, Chapter 7, Part 8 are exempt from all taxation under this title by the provision of §49-7-822.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 2137**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2183** -- Alcoholic Beverage Commission - Extends period of time alcoholic beverage commission may issue temporary employee or server permit from 60 days to 90 days. Amends TCA Title 57, Chapter 3, Part 7. by *Kent. (SB2196 by *Haynes)

Rep. Kent requested that House Bill No. 2183 be moved to the heel of the Calendar.

House Bill No. 2393 -- Financial Responsibility Law - Requires issuance of citation to driver who fails to present satisfactory evidence of financial responsibility; requires that such citation identify offense charged and indicate time and place for driver to appear in court. Amends TCA Title 55, Chapter 12, Part 1. by *Kent, *Bowers. (*SB2374 by *Cohen, *Dixon)

On motion, House Bill No. 2393 was made to conform with **Senate Bill No. 2374**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 2374 be passed on third and final consideration.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 2374** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 3153** -- Banks and Financial Institutions - Clarifies that out of state trust institution may act as fiduciary "in this state" instead of "from a trust office." Amends TCA Title 45, Chapter 2, by *Stanley. (SB3080 by *Clabough)

On motion, House Bill No. 3153 was made to conform with **Senate Bill No. 3080**; the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 3080 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Stanley moved that **Senate Bill No. 3080** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2430** -- Correction, Dept. of - Requires disclosure of inmate's test results for bloodborne pathogens to be disclosed to exposed correctional employee or law enforcement officer within 24 hours after such test results become known. Amends TCA Section 41-51-102. by *Windle. (SB2718 by *Davis L)

Rep. Windle moved that House Bill No. 2430 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2430 by deleting SECTION 1 of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-51-102, is amended by adding the following language to the end of subsection (d):

Disclosure of the inmate's test results to the correctional employee or law enforcement officer shall occur no later than twenty-four (24) hours after such results are known by the proper correctional officials unless, following a reasonable effort, all such employee's or officers exposed cannot be notified within such time.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Windle moved that **House Bill No. 2430**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2902** – Air Pollution - Authorizes technical secretary of air pollution control board to issue permits consistent with board's rules and all federal requirements of Clean Air Act. by *McCord. (SB2949 by *Ramsey)

On motion, House Bill No. 2902 was made to conform with **Senate Bill No. 2949**; the Senate Bill was substituted for the House Bill.

Rep. McCord moved that Senate Bill No. 2949 be passed on third and final consideration.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2949 by deleting everything following the enactment clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-201-107(a), is amended by adding the following as an appropriately designated new subdivision:

(1) Issue permits that are consistent with the rules of the board and contain provisions necessary to comply with final and effective rules under the federal Clean Air Act.

SECTION 2. Tennessee Code Annotated, Section 68-201-105(a)(1), is amended by adding the following sentence at the end of the subdivision:

In its exercise of this authority, the board shall consider the discretion allowed to the states by the federal Clear Air Act and regulations thereunder.

SECTION 3. The act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. McCord moved that **Senate Bill No. 2949**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2154** -- Hospitals and Health Care Facilities - Establishes reasonable costs of furnishing medical records to patient who is not indigent for purpose of supporting claim or appeal under Social Security Act at not more than \$20.00 for records 40 pages or less in length and \$0.25 per page for each page after 40 and actual cost of mailing. Amends TCA Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 3. by *Buck, *McMillan. (SB2216 by *Trail)

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved that House Bill No. 2154 be passed on third and final consideration.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2154 by deleting SECTION 1 of the bill and adding the following new section:

SECTION 1. Tennessee Code Annotated, Section 68-11-304(a)(2)(B), is amended by adding the following sentence at the beginning of subsection (B):
"Any charges for records necessary to support a claim or appeal under the Social Security Act shall be pursuant to (a)(2)(A).

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2154**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2526 -- Domestic Violence - Establishes venue for all matters relating to orders of protection to be in county where petitioner or respondent resides or county where domestic abuse occurred. Amends TCA Title 36, Chapter 3, Part 6. by *McMillan. (*SB2318 by *Trail)

On motion, House Bill No. 2526 was made to conform with **Senate Bill No. 2318**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2318 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 2318** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Bill No. 2523 -- Divorce, Annulment and Alimony - Makes various changes to alimony and spousal support provisions. Amends TCA Title 36, Chapter 4; Title 36, Chapter 5; Title 36, Chapter 6 and Title 50, Chapter 2. by *McMillan. (*SB2559 by *Cohen)

On motion, House Bill No. 2523 was made to conform with **Senate Bill No. 2559**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2559 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 2559** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

Representatives present and not voting were: Brooks, Bunch – 2.

A motion to reconsider was tabled.

House Bill No. 2530 -- Criminal Offenses - Imposes additional \$200 fine against persons convicted of domestic type assault or aggravated assault and provides that revenue raised from additional fine is to be appropriated by general assembly for funding family violence shelters and shelter services. Amends TCA Title 39, Chapter 13, Part 1. by *McMillan. (*SB2388 by *Graves, *Rochelle, *Davis L, *Burks)

On motion, House Bill No. 2530 was made to conform with **Senate Bill No. 2388**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2388 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

On motion, Rep. Head withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. McMillan moved that **Senate Bill No. 2388** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

***House Bill No. 2128** -- Public Defenders - Requires that \$12.50 court cost collected for purpose of defraying cost of legal representation of indigent criminal defendants in multi-county judicial districts be remitted to executive director of public defender conference for use as supplemental funding for public defender in such multi-county district. Amends TCA Section 40-14-210. by *McMillan. (SB2233 by *Jackson)

Rep. McMillan moved that House Bill No. 2128 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

***House Bill No. 2996** -- Water - Requires governing body creating authority or private developer to submit plans for water development in rural areas to commissioner of environment and conservation prior to finalizing such plans to insure compliance with all state and federal laws. Amends TCA Title 7; Title 64 and Title 69. by *McDonald, *Newton, *Bone, *Fowlkes, *Casada. (SB3112 by *Graves)

Rep. McDonald moved that House Bill No. 2996 be passed on third and final consideration.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2996 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

() (1) Notwithstanding any provision of law to the contrary, any water utility district having not less than three thousand (3,000) taps and approximately three-hundred fifty (350) miles of water lines in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500), according to the 2000 federal census or any subsequent federal census, shall be governed by a five-member board. The terms of office of one new commissioner created pursuant to this act shall initially be for two (2) years and the term of the second new commissioner shall be for four (4) years. The terms of office for commissioners serving on the effective date of this act shall be staggered as vacancies occur in such a manner that one (1) member shall initially be elected to a term of one (1) year; one (1) for a term of two (2) years; and one (1) for a term of three (3) years. Thereafter all terms of office shall be four (4) years.

(2) A vacancy occurring on the board of commissioners of any such utility district after the effective date of this act shall be filled by vote of the customers of the utility district at the first regular meeting of the district's board of commissioners that occurs more than forty (40) days after the vacancy occurs. The board of commissioners shall schedule such meeting at seven o'clock p.m. (7:00 p.m.). No person shall serve on a board unless the person is a customer of the utility district. As used in this subsection, "customer" means a person who is periodically billed for utility service rendered by the district and who pays money for such service.

(3) A vacancy on the board due to the expiration of a term, or due to an increase in the number of members on the board, or due to any other reason, shall be filled as follows:

(A) For each vacancy, the incumbent commissioners shall select three (3) nominees, in accordance with any residency requirements that may apply to the office vacated, or to be vacated, and shall prepare a ballot for each vacancy. Other nominees may be placed on the ballot by submitting, twenty (20) days prior to the election, a nominating petition signed by not less than ten (10) customers who are residents of the county within which the vacancy occurs. Write-in votes for unlisted candidates shall also be considered. A vacancy shall be filled by a plurality of the votes cast for each seat.

(B) At least thirty-five (35) days prior to the election, the incumbent commissioners of the utility district shall mail written notice of such meeting and election to all customers and shall list any vacancies to be filled. If the commissioners fail to set the date for the meeting, fail to mail notice of the meeting, fail to hold the meeting, or fail to hold the election, the county executive shall cause such things to be done upon petition of any twenty (20) customers of the district.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2996 By inserting the language "and in any county having a population of not less than seventy-two hundred (7,200) nor more than seventy-three hundred (7,300)" in the first sentence of amendatory subdivision (1) of Section 1 between the language "(130,500)" and the language ", according to the 2000 federal census".

On motion, Conservation and Environment Committee Amendment No. 2 was adopted.

Rep. McDonald moved that **House Bill No. 2996**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	2

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Beavers, Black -- 2.

A motion to reconsider was tabled.

House Bill No. 3111 -- Fiduciaries - Enacts "Tennessee Uniform Prudent Investor act of 2002." Amends TCA Title 35. by *Fowlkes, *Fitzhugh, *Sands, *Scroggs, *Davidson, *McDaniel, *Tindell, *Langster. (*SB2665 by *Miller J)

On motion, House Bill No. 3111 was made to conform with **Senate Bill No. 2665**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 2665 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2665 by adding the following to Section 5 of the printed bill as a new subsection (c):

(c)(1) Notwithstanding any other provision of this act to the contrary, and except as otherwise provided in the governing instrument, the duties of a trustee regarding the acquisition, retention or ownership of a contract of insurance on the life of the grantor of the trust, or on the lives of the grantor and the grantor's spouse, children, grandchildren, or parents, do not include a duty to:

(A) determine whether any contract of life insurance in the trust, or to be acquired by the trust, is or remains a proper investment;

- (i) as to the type of insurance contract;
- (ii) as to the quality of the insurance company
- (iii) or otherwise.

(B) diversify the investment; or

(C) exercise any policy options, rights, or privileges available under any contract of life insurance in the trust, including any right to borrow the cash value or reserve of the policy, acquire a paid-up policy, or convert to a different policy.

(2) The trustee is not liable to the beneficiaries of the contract of insurance or to any other party for loss arising from the absence of these duties regarding insurance contracts under this subsection.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 2665**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3013 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2812 by *Rocheille)

Further consideration of House Bill No. 3013 previously considered on today's Calendar.

BILL HELD ON DESK

Rep. Kisber moved that House Bill No. 3013 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2183** -- Alcoholic Beverage Commission - Extends period of time alcoholic beverage commission may issue temporary employee or server permit from 60 days to 90 days. Amends TCA Title 57, Chapter 3, Part 7. by *Kent. (SB2196 by *Haynes)

Further consideration of House Bill No. 2183 previously considered on today's Calendar.

On motion, House Bill No. 2183 was made to conform with **Senate Bill No. 2196**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 2196 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 2196** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Baird, Beavers, Dunn -- 3.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 3196 -- Consumer Protection - Requires providers of cellular communication services to publish and furnish to its customers, prospective consumers, and to consumer division of office of attorney general accurate map of its service areas, including areas within such service area where there is no service or inadequate signals to support viable communication services. Amends TCA Title 47, Chapter 18 and Title 65, by *Fitzhugh, *Hargett. (*SB3153 by *Cooper J)

Senate Amendment No. 1

AMEND House Bill No. 3196 By inserting the following preamble between the caption and the enacting clause:

WHEREAS, there has been rapid growth of wireless telecommunications services in Tennessee, and there is now widespread use by consumers of wireless telecommunications technology; and

WHEREAS, in response to a previous resolution by the General Assembly, the Tennessee Regulatory Authority submitted to the General Assembly in February 2002 a report that provides, among other things, information regarding the growth of wireless telecommunications, the investment by wireless companies in plant and equipment in Tennessee and approximation of the availability of wireless telecommunications coverage in Tennessee; and

WHEREAS, the report submitted by the Tennessee Regulatory Authority notes that there are still areas in Tennessee that do not have any wireless telecommunications coverage; and

WHEREAS, the lack of wireless telecommunications coverage in certain areas can lead to consumer dissatisfaction and may be an impediment to economic development; now, therefore;

AND FURTHER AMEND by deleting all language following the enacting clause, and by substituting instead the following language:

SECTION 1. The Tennessee Regulatory Authority is directed to update and refine the information contained in its previous report, including without limitation, the map showing approximate coverage and other data in the report, new system development, deployment of new technology, obstacles to statewide wireless coverage, and information available to consumers as to the extent and limitations of coverage.

SECTION 2. The updated report of the Tennessee Regulatory Authority shall be a confidential record in addition to those records which are confidential as provided in §10-7-504, and shall not include any proprietary or competitively sensitive information. Such updated report shall be submitted to the director of homeland security. The director shall review the report to determine whether any information in the report would compromise homeland security and such information shall be redacted from the report. Following such redaction, the report shall become a public record and be made available to the public.

SECTION 3. Once such redactions have been completed, the report shall be submitted to the Senate Commerce Labor and Agriculture Committee and the House Commerce Committee no later than March 15, 2003.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fitzhugh moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 3196**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1901 – Commerce and Insurance, Dept. of - Makes confidentiality provisions concerning entities in receivership or supervision inapplicable to certain insurers that participate in medical assistance program. Amends TCA Title 56. by *Sands, *Maddox, *Odom, *Kisber, *Hargett, *Buck. (*SB324 by *Clabough)

Senate Amendment No. 2

AMEND House Bill No. 1901 by deleting the amendatory subsection (b) in Section 1 and by substituting instead the following:

(b) The provisions of subsection (a) shall not be applicable in any proceeding where the insurer on the date of the filing of the proceeding had derived fifty-one percent (51%) or more of its revenue for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to Title 71. In these cases, the records of the insurer, other documents, and all insurance department files and court records and papers, so far as they pertain to, or are a part of, the record of the proceeding and which reflect the financial solvency of the insurer, shall be open to public inspection under the Tennessee Public Records Act promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under federal or state law. An insurer within fifteen (15) days from the date of seizure may apply to the court for a stay of application of this subsection, or for a protective order for particularized information which is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. The provisions of this subsection shall be stayed from the date of seizure until a court of competent jurisdiction rules on the application for a stay or a protective order.

AND FURTHER AMEND by deleting the amendatory subsection in Section 2 and by substituting instead the following:

() This section does not apply to hearing, notices, correspondence reports, records or other information obtained by the placing under supervision of any insurer who derived as of the date of the supervision fifty-one percent (51%) or more of its total revenues for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to Title 71. In such cases, the hearings, notices, correspondence, reports, records, or other information which reflect the financial solvency of the insurer obtained during the supervision shall be open to the public under the Tennessee Public Records Act, promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under the federal or state law. An insurer within fifteen (15) days from the notice of supervision may apply to the court for a stay of application of this subsection, or for a protective order for particularized information which is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. The provisions of this subsection shall be stayed from the notice of supervision until a court of competent jurisdiction rules on the application for a stay or a protective order.

Rep. Sands moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1901**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 413** -- Cemeteries - Lowers number of persons needed to petition district attorney general to bring action to remedy violation of cemetery company in properly maintaining cemetery or improvement care trust from lesser of 10 percent or 500 lot owners and next of kin of lot owners to lesser of 10 percent or 5 of such owners. Amends TCA Section 46-2-306. by *Bunch. (SB653 by *Burchett)

Senate Amendment No. 1

AMEND House Bill No. 413 by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 413 by deleting the language "five (5)" from Section 1 of the printed bill, and substituting instead the language "twenty (20)".

Rep. Bunch moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 413**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2520 -- Notary Public - Requires certain notices to be posted by notaries public advertising in language other than English. Amends TCA Title 8, Chapter 16. by *Turner (Davidson), *Naifeh. (*SB2139 by *Henry)

Senate Amendment No. 2

AMEND House Bill No. 2520 by inserting in the new Section 8-16-404 of Section 1, as amended, by the word "by" between the words "notary services offered" and the words "a state or national bank".

Rep. Turner (Davidson) moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2520**, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for April 17, 2002:

House Resolution No. 238 -- Memorials, Sports - Briarcrest Christian School Girls' Basketball Team, TSSAA Division II State Champions. by *Stanley.

House Resolution No. 245 -- Memorials, Recognition - Pamela Moore-Morrow. by *Phillips.

House Resolution No. 246 -- Memorials, Recognition - Reginald and Virginia Rowell. by *Walker .

House Resolution No. 247 -- Memorials, Recognition - The Marlin Haston Family, "Friends of Farming 2002". by *Walker .

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Resolution No. 248 -- Memorials, Personal Occasion - Mr. and Mrs. J.N. Buckles, 50th wedding anniversary. by *Patton, *Davis (Washington).

House Resolution No. 249 -- Memorials, Public Service - Bud Allison. by *Overbey, *McCord.

House Resolution No. 250 -- Memorials, Death - Retired Colonel Hensley Williams. by *Sargent.

House Joint Resolution No. 835 -- Memorials, Recognition - Reverend W.A. Sesley. by *Brooks.

House Joint Resolution No. 837 -- Memorials, Professional Achievement - Amy Miller, Pre-K-4th grade Teacher of the Year, Murfreesboro City School System. by *Rowland, *Beavers, *Hood.

House Joint Resolution No. 838 -- Memorials, Professional Achievement - Valerie Rains, 5th and 6th grade Teacher of the Year, Murfreesboro City School System. by *Rowland, *Beavers, *Hood.

House Joint Resolution No. 839 -- Memorials, Congratulations - Ardmore Public Library. by *Fowlkes.

House Joint Resolution No. 840 -- Memorials, Personal Achievement - Ed Mitchell, 2002 Blount County Citizenship Award. by *Overbey, *McCord.

House Joint Resolution No. 841 -- Memorials, Recognition - Union Planters Corporation, Blount County Corporate Citizen of the Year. by *Overbey, *McCord.

House Joint Resolution No. 842 -- Memorials, Recognition - Honors faculty and staff of Austin Peay State University on 75th anniversary. by *Head, *McMillan, *Patton, *Davidson, *McDonald.

House Joint Resolution No. 843 -- Memorials, Death - Larry Earl Lockamy. by *Sands, *White.

House Joint Resolution No. 844 -- Memorials, Death - Ernest B. Lovell. by *Sands.

House Joint Resolution No. 845 -- Memorials, Academic Achievement - Cookeville High School Varsity Cavalier Academic Bowl Team, Tennessee High School State Academic Bowl Champions. by *Hargrove.

House Joint Resolution No. 847 -- Memorials, Personal Achievement - Dr. Gail W. Disney, 2002 First Lady of Loudon County. by *Johnson, *Ferguson.

House Joint Resolution No. 852 -- Memorials, Death - Joseph Glenn Walker. by *Bone, *Beavers.

House Joint Resolution No. 853 -- Memorials, Retirement - Jackie C. Hays. by *Bone, *Beavers.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Joint Resolution No. 854 -- Memorials, Recognition - The Ladies' Hermitage Association, First Hermitage Restoration. by *West.

House Joint Resolution No. 857 -- Memorials, Academic Achievement - Leslie Claiborne, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 858 -- Memorials, Academic Achievement - Garren Michael Petree, Valedictorian, Campbell County High school. by *Goins, *Baird.

House Joint Resolution No. 859 -- Memorials, Academic Achievement - Amber Nichole Reynolds, Salutatorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 860 -- Memorials, Academic Achievement - Tyler Young, Valedictorian, Campbell County High School. by *Goins, *Baird.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for April 17, 2002:

Senate Joint Resolution No. 682 -- Memorials, Public Service - Thomas E. Boggs, Jefferson Award Winner. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Burks, *Cohen.

Senate Joint Resolution No. 683 -- Memorials, Sports - University of Memphis Men's Basketball Team 2002 NIT Champions. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

Senate Joint Resolution No. 684 -- Memorials, Academic Achievement - Quique Huerta, perfect scores on ACT and SAT. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

Senate Joint Resolution No. 624 -- Memorials, Sports - Coach Verties Sails, Jr., Southwest Tennessee Community College. by *Wilder.

Senate Joint Resolution No. 627 -- Memorials, Recognition - Frayser Fun Fest. by *Kyle.

Senate Joint Resolution No. 628 -- Memorials, Death - Clarice Lee Miller. by *Henry.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 238 -- Memorials, Sports - Briarcrest Christian School Girls' Basketball Team, TSSAA Division II State Champions. by *Stanley.

House Resolution No. 245 -- Memorials, Recognition - Pamela Moore-Morrow. by *Phillips.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Resolution No. 246 -- Memorials, Recognition - Reginald and Virginia Rowell. by *Walker .

House Resolution No. 247 -- Memorials, Recognition - The Marlin Haston Family, "Friends of Farming 2002". by *Walker .

House Resolution No. 248 -- Memorials, Personal Occasion - Mr. and Mrs. J.N. Buckles, 50th wedding anniversary. by *Patton, *Davis (Washington).

House Resolution No. 249 -- Memorials, Public Service - Bud Allison. by *Overbey, *McCord.

House Resolution No. 250 -- Memorials, Death - Retired Colonel Hensley Williams. by *Sargent.

House Joint Resolution No. 835 -- Memorials, Recognition - Reverend W.A. Sesley. by *Brooks.

House Joint Resolution No. 837 -- Memorials, Professional Achievement - Amy Miller, Pre-K-4th grade Teacher of the Year, Murfreesboro City School System. by *Rowland, *Beavers, *Hood.

House Joint Resolution No. 838 -- Memorials, Professional Achievement - Valerie Rains, 5th and 6th grade Teacher of the Year, Murfreesboro City School System. by *Rowland, *Beavers, *Hood.

House Joint Resolution No. 839 -- Memorials, Congratulations - Ardmore Public Library. by *Fowlkes.

House Joint Resolution No. 840 -- Memorials, Personal Achievement - Ed Mitchell, 2002 Blount County Citizenship Award. by *Overbey, *McCord.

House Joint Resolution No. 841 -- Memorials, Recognition - Union Planters Corporation, Blount County Corporate Citizen of the Year. by *Overbey, *McCord.

House Joint Resolution No. 842 -- Memorials, Recognition - Honors faculty and staff of Austin Peay State University on 75th anniversary. by *Head, *McMillan, *Patton, *Davidson, *McDonald.

House Joint Resolution No. 843 -- Memorials, Death - Larry Earl Lockamy. by *Sands, *White.

House Joint Resolution No. 844 -- Memorials, Death - Ernest B. Lovell. by *Sands.

House Joint Resolution No. 845 -- Memorials, Academic Achievement - Cookeville High School Varsity Cavalier Academic Bowl Team, Tennessee High School State Academic Bowl Champions. by *Hargrove.

House Joint Resolution No. 847 -- Memorials, Personal Achievement - Dr. Gail W. Disney, 2002 First Lady of Loudon County. by *Johnson, *Ferguson.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Joint Resolution No. 852 -- Memorials, Death - Joseph Glenn Walker. by *Bone, *Beavers.

House Joint Resolution No. 853 -- Memorials, Retirement - Jackie C. Hays. by *Bone, *Beavers.

House Joint Resolution No. 854 -- Memorials, Recognition - The Ladies' Hermitage Association, First Hermitage Restoration. by *West.

House Joint Resolution No. 857 -- Memorials, Academic Achievement - Leslie Claiborne, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 858 -- Memorials, Academic Achievement - Garren Michael Petree, Valedictorian, Campbell County High school. by *Goins, *Baird.

House Joint Resolution No. 859 -- Memorials, Academic Achievement - Amber Nichole Reynolds, Salutatorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 860 -- Memorials, Academic Achievement - Tyler Young, Valedictorian, Campbell County High School. by *Goins, *Baird.

Senate Joint Resolution No. 682 -- Memorials, Public Service - Thomas E. Boggs, Jefferson Award Winner. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Burks, *Cohen.

Senate Joint Resolution No. 683 -- Memorials, Sports - University of Memphis Men's Basketball Team 2002 NIT Champions. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

Senate Joint Resolution No. 684 -- Memorials, Academic Achievement - Quique Huerta, perfect scores on ACT and SAT. by *Cohen, *Person, *Norris, *Kyle, *Ford J, *Dixon, *Cohen, *Burks.

Senate Joint Resolution No. 624 -- Memorials, Sports - Coach Verties Sails, Jr., Southwest Tennessee Community College. by *Wilder.

Senate Joint Resolution No. 627 -- Memorials, Recognition - Frayser Fun Fest. by *Kyle.

Senate Joint Resolution No. 628 -- Memorials, Death - Clarice Lee Miller. by *Henry.

Rep. Bowers moved that all members voting aye on Senate Joint Resolution No. 683 be added as sponsors, which motion prevailed.

Rep. Brooks moved that all members voting aye on House Joint Resolution No. 835 be added as sponsors, which motion prevailed.

Rep. Walker moved that all members voting aye on House Resolution No. 246 and 247 be added as sponsors, which motion prevailed.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Arriola, **House Bill No. 2415** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Arriola, **House Bill No. 2418** was recalled from the Government Operations Committee and withdrawn from the House.

BILL RECALL

Rep. Bowers requested that Senate Bill No. 2392 be recalled from the Senate, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 24, 2002:

House Bill No. 1201: by Rep. Buck

House Bill No. 573: by Rep. Bunch

Senate Bill No. 2255: by Rep. Briley

REGULAR CALENDAR, CONTINUED

House Bill No. 3013 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6, by *Kisber. (*SB2812 by *Rochelle)

Further consideration of House Bill No. 3013 previously considered on today's Calendar.

On motion, House Bill No. 3013 was made to conform with **Senate Bill No. 2812**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2812 be passed on third and final consideration.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 2812** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 24, 2002:

House Bill No. 3028: by Rep. Kisber

House Bill No. 2390: by Rep. Bunch

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for April 17, 2002:

House Joint Resolution No. 861 -- Memorials, Recognition - Nikkita Bailey, Chattanooga Youth of the Year. by *Turner (Hamilton).

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for April 17, 2002:

Senate Joint Resolution No. 631 -- Memorials, Death - Ray Patterson. by *Herron.

Senate Joint Resolution No. 632 -- Memorials, Retirement - Maurice W. Elliott. by *Herron.

Senate Joint Resolution No. 633 -- Memorials, Sports - Trey Pearson. by *Herron.

Senate Joint Resolution No. 634 -- Memorials, Death - Colonel Nathan S. Hale. by *Crowe.

Senate Joint Resolution No. 635 -- Memorials, Recognition - Mark C. Hicks, Jr. by *Crowe.

Senate Joint Resolution No. 636 -- Memorials, Sports - Tennessee Temple High School Class A State Champions. by *Fowler.

Senate Joint Resolution No. 637 -- Memorials, Sports - Vanderbilt Commodore Women's Basketball Team 2001-2002 season. by *Henry.

Senate Joint Resolution No. 638 -- Memorials, Public Service - W. Jeff Reynolds. by *Henry.

Senate Joint Resolution No. 639 -- Memorials, Recognition - Joseph Partridge, Sr. by *Crutchfield.

Senate Joint Resolution No. 642 -- Memorials, Sports - Tennessee Technological University Men's Basketball Team. by *Burks.

Senate Joint Resolution No. 644 -- Memorials, Sports - White Station High School Spartans, 2002 TSSAA Class AAA Basketball State Champions. by *Cohen.

Senate Joint Resolution No. 651 -- Memorials, Academic Achievement - Leslie Nicole Wilhite, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 652 -- Memorials, Academic Achievement - Joshua Duane Backman, Salutatorian, Beech High School. by *Graves.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 653 -- Memorials, Academic Achievement - Jennifer Renee Bollig, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 654 -- Memorials, Academic Achievement - Lauren Suzanne Hilgadiack, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 655 -- Memorials, Academic Achievement - Erin Ashley Elliot, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 656 -- Memorials, Academic Achievement - Lydia Collins, Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 661 -- Memorials, Academic Achievement - Jimmy Lee Kerrigan, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 662 -- Memorials, Academic Achievement - Amy Elizabeth Hamilton, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 663 -- Memorials, Academic Achievement - David Cameron Calvert, Salutatorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 664 -- Memorials, Academic Achievement - Clinton Tony Head, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 665 -- Memorials, Academic Achievement - Darren Rian Gregory, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 666 -- Memorials, Academic Achievement - Ashonda Brazzel, Valedictorian, Raleigh Egypt High School. by *Kyle.

Senate Joint Resolution No. 667 -- Memorials, Academic Achievement - Francis La'Tai Smith, Salutatorian, Raleigh-Egypt High School. by *Kyle.

Senate Joint Resolution No. 668 -- Memorials, Academic Achievement - Diemvan T. Nguyen, Valedictorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 669 -- Memorials, Academic Achievement - Elizabeth Cummings, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 670 -- Memorials, Academic Achievement - Ngoc Diep Thi Quach, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 671 -- Memorials, Academic Achievement - Latrista Dynell Harris, Salutatorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 672 -- Memorials, Academic Achievement - Kimberly Denise Williams, Valedictorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 673 -- Memorials, Academic Achievement - Erin Jeanne Lightman, Salutatorian, Ridgeway High School. by *Kyle.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 674 -- Memorials, Academic Achievement - Hindi Omar Hussein, Valedictorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 675 -- Memorials, Academic Achievement - Kim Phuong Thi Truong, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 676 -- Memorials, Academic Achievement - Jessica Ilana Rothschild, Valedictorian, White Station High School. by *Kyle.

Senate Joint Resolution No. 677 -- Memorials, Academic Achievement - Lingyun Xiong, Salutatorian, White Station High School. by *Kyle.

Senate Joint Resolution No. 678 -- Memorials, Academic Achievement - Mark Joseph Laabs, Salutatorian, White Station High School. by *Kyle.

SUPPLEMENTAL CONSENT CALENDAR NO. 2

House Joint Resolution No. 861 -- Memorials, Recognition - Nikkita Bailey, Chattanooga Youth of the Year. by *Turner (Hamilton).

Senate Joint Resolution No. 631 -- Memorials, Death - Ray Patterson. by *Herron.

Senate Joint Resolution No. 632 -- Memorials, Retirement - Maurice W. Elliott. by *Herron.

Senate Joint Resolution No. 633 -- Memorials, Sports - Trey Pearson. by *Herron.

Senate Joint Resolution No. 634 -- Memorials, Death - Colonel Nathan S. Hale. by *Crowe.

Senate Joint Resolution No. 635 -- Memorials, Recognition - Mark C. Hicks, Jr. by *Crowe.

Senate Joint Resolution No. 636 -- Memorials, Sports - Tennessee Temple High School Class A State Champions. by *Fowler.

Senate Joint Resolution No. 637 -- Memorials, Sports - Vanderbilt Commodore Women's Basketball Team 2001-2002 season. by *Henry.

Senate Joint Resolution No. 638 -- Memorials, Public Service - W. Jeff Reynolds. by *Henry.

Senate Joint Resolution No. 639 -- Memorials, Recognition - Joseph Partridge, Sr. by *Crutchfield.

Senate Joint Resolution No. 642 -- Memorials, Sports - Tennessee Technological University Men's Basketball Team. by *Burks.

Senate Joint Resolution No. 644 -- Memorials, Sports - White Station High School Spartans, 2002 TSSAA Class AAA Basketball State Champions. by *Cohen.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 651 -- Memorials, Academic Achievement - Leslie Nicole Wilhite, Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 652 -- Memorials, Academic Achievement - Joshua Duane Backman, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 653 -- Memorials, Academic Achievement - Jennifer Renee Bollig, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 654 -- Memorials, Academic Achievement - Lauren Suzanne Hilgadiack, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 655 -- Memorials, Academic Achievement - Erin Ashley Elliot, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 656 -- Memorials, Academic Achievement - Lydia Collins, Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 661 -- Memorials, Academic Achievement - Jimmy Lee Kerrigan, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 662 -- Memorials, Academic Achievement - Amy Elizabeth Hamilton, Co-Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 663 -- Memorials, Academic Achievement - David Cameron Calvert, Salutatorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 664 -- Memorials, Academic Achievement - Clinton Tony Head, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 665 -- Memorials, Academic Achievement - Darren Rian Gregory, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 666 -- Memorials, Academic Achievement - Ashonda Brazzel, Valedictorian, Raleigh Egypt High School. by *Kyle.

Senate Joint Resolution No. 667 -- Memorials, Academic Achievement - Francis La'Tai Smith, Salutatorian, Raleigh-Egypt High School. by *Kyle.

Senate Joint Resolution No. 668 -- Memorials, Academic Achievement - Diemvan T. Nguyen, Valedictorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 669 -- Memorials, Academic Achievement - Elizabeth Cummings, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 670 -- Memorials, Academic Achievement - Ngoc Diep Thi Quach, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 671 -- Memorials, Academic Achievement - Latrista Dynell Harris, Salutatorian, Treadwell High School. by *Kyle.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

Senate Joint Resolution No. 672 -- Memorials, Academic Achievement - Kimberly Denise Williams, Valedictorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 673 -- Memorials, Academic Achievement - Erin Jeanne Lightman, Salutatorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 674 -- Memorials, Academic Achievement - Hindi Omar Hussein, Valedictorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 675 -- Memorials, Academic Achievement - Kim Phuong Thi Truong, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 676 -- Memorials, Academic Achievement - Jessica Ilana Rothschild, Valedictorian, White Station High School. by *Kyle.

Senate Joint Resolution No. 677 -- Memorials, Academic Achievement - Lingyun Xiong, Salutatorian, White Station High School. by *Kyle.

Senate Joint Resolution No. 678 -- Memorials, Academic Achievement - Mark Joseph Laabs, Salutatorian, White Station High School. by *Kyle.

Rep. Turner (Hamilton) moved that all members voting aye on House Joint Resolution No. 861 be added as sponsors, which motion prevailed.

Rep. McDonald moved that all members voting aye on Senate Joint Resolution(s) No(s). 651, 652, 653, 654, 655, 656, 661, 662, 663, 664 and 665, be added as sponsors, which motion prevailed.

Rep. Brooks moved that all members of the Shelby County delegation voting aye on Senate Joint Resolution No. 644 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 17, 2002

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2392, as requested.

RUSSELL A. HUMPHREY, Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 24, 2002:

Senate Bill No. 2392: by Rep. Bowers

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 746: Rep(s). Newton as prime sponsor(s).

House Bill No. 102: Rep(s). Winningham as prime sponsor(s).

House Bill No. 1210: Rep(s). McCord as prime sponsor(s).

House Bill No. 1595: Rep(s). Kent as prime sponsor(s).

House Bill No. 1985: Rep(s). Kent as prime sponsor(s).

House Bill No. 2106: Rep(s). Lewis, Johnson, Overbey and Ridgeway as prime sponsor(s).

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

House Bill No. 2360: Rep(s). Walker as prime sponsor(s).

House Bill No. 2570: Rep(s). Boyer as prime sponsor(s).

House Bill No. 2941: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 3051: Rep(s). McCord as first prime sponsor(s).

House Bill No. 3186: Rep(s). Cole (Dyer) and Harwell as prime sponsor(s).

House Bill No. 3202: Rep(s). Harwell as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Ford was/were removed as sponsor(s) of **House Bill No. 1430**.

On motion, Rep(s). Shaw was/were removed as sponsor(s) of **House Bill No. 3051**.

ENROLLED BILLS

April 17, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 367.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 17, 2002

The Speaker signed the following: House Bill(s) No(s). 367.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 367; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 17, 2002

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 367.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 17, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2528, 2726, also, House Joint Resolution(s) No(s). 846 and 856.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2035, 2107, 2776 and 2786; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2035** -- Sunset Laws - Interstate rail passenger advisory council, June 30, 2002. Amends TCA Title 4, Chapter 42 and Title 4, Chapter 29. by *Harper, *Burchett, *Trail. (HB2725 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2107** -- Sunset Laws - Department of human services, June 30, 2006. Amends TCA Title 4, Chapter 3 and Title 4, Chapter 29. by *Harper, *Burchett, *Trail. (HB2753 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2776** -- Election Laws - Requires write-in candidate in primary election to receive total number of votes equal to at least 5 percent of registered voters in district to receive party nomination; requires person trying to receive party nomination by write-in ballots to complete notice requesting such person's ballots be counted no later than 30 days before primary election. Amends TCA Title 2. by *Cooper J. (HB3034 by *Jones U (Shelby))

***Senate Bill No. 2786** -- Taxes, Franchise - Includes as deduction from franchise taxes value of interest held by taxpayer in certain insurance companies paying gross premiums tax. Amends TCA Section 67-4-2107. by *Rochelle. (HB2856 by *Kisber)

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2212, 2272, 2451, 2714, 2754, 2759, 2899, 2968 and 3146; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 800, 801, 802, 803, 804, 805, 806, 807, 808 and 810; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 799, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 831; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 17, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2283, 2484, 2677, 2737, 2920, 3020, 3258, 3259, 3260, 3261, 3263, also, House Joint Resolution(s) No(s). 723, 782, 832 and 833.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 17, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2430 and 2933.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 856; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2118, 2618, 3221, 3222, 3224, 3225 and 3241; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2917; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3101; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2940; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2961; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3014; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2043, 3037, 3220, 3223, 3231, 3240, 3251; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 17, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 835, 837, 838, 839, 840, 841, 842, 843, 844, 845, 847, 852, 853, 854, 857, 858, 859 and 860.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2941; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2853; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 17, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2154, 2580, 2996, 3144, also, House Joint Resolution(s) No(s). 861.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 17, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 710, 1267, 1537, 2219, 2403, 2572, 2724, 2912, 3199 and 3245, also, House Joint Resolution(s) No(s). 798; with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 17, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3238, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2528 and 2726; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 842 and 854; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2907; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2227; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 375, 790, 1201, 2161, 2252, 2422, 2424, 2599, 2778, 2792, 2957, 3038 and 3125; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 375** -- Gas, Petroleum Products, Volatile Oils - Allows utility district, electric cooperative, or municipal electric to enter into or remain in retail sale and distribution of liquefied petroleum gas if such is provided by for-profit corporation in which all stock is owned by utility district, electric cooperative, or municipal electric. Amends TCA Title 6; Title 7; Title 65 and Title 67. by *Cooper J. (HB1056 by *Cole (Dyer))

Senate Bill No. 790 -- Drug and Alcohol Rehabilitation - Expands alcohol and drug addiction treatment fund to cover person convicted of DUI who violates probation due to arrest for DUI and indigent person that is eligible to participate in state-approved drug court program. Amends TCA Title 39; Title 40 and Title 55. by *Cohen. (*HB626 by *Kent, *DeBerry L, *Bowers, *DeBerry J, *Pleasant, *Todd, *Chumney, *Hargett, *Towns, *Cooper B, *Stanley, *Brooks, *Miller L, *Jones U (Shelby), *Scroggs)

***Senate Bill No. 1201** -- Election Laws - Specifies that price for purchase of voter registration list must be reasonable. Amends TCA Title 2. by *Cooper J, *Cohen. (HB1767 by *McMillan, *Jones U (Shelby))

***Senate Bill No. 2161** -- Day Care - Suspends implementation of rated licensing system for two years. Amends TCA Section 71-3-502. by *Jackson, *Davis L. (HB2242 by *Buck, *Arriola)

Senate Bill No. 2252 -- Corporations, Not for Profit - Makes nonprofit organizations and philanthropic individuals who sponsor charitable fundraising events immune from suit arising from personal injuries and other damage to property that occurs at such events. Amends TCA Title 29 and Title 48, Chapter 58. by *Ford J. (*HB2231 by *DeBerry L)

***Senate Bill No. 2422** -- Municipal Government - Allows home rule municipalities to collect actual administrative expenses incurred as result of false threat or hoax involving biological weapons, destructive devices, or weapons of mass destruction if such municipality has adopted ordinance to prohibit such threat or hoax. Amends TCA Title 6, Chapter 54, Part 3. by *Atchley, *Burchett. (HB3109 by *Boyer, *Tindell, *Armstrong)

***Senate Bill No. 2424** -- Historical Sites and Preservation - Authorizes historic zoning commissions to impose financial penalties for certain violations. Amends TCA Section 13-7-407. by *Burchett, *Atchley, *Burchett, *McNally. (HB3107 by *Armstrong, *Tindell)

***Senate Bill No. 2599** -- Flags - Requires public school students to recite pledge of allegiance daily, unless student or parent objects to student's participation on religious, philosophical, or other grounds; establishes requirements for participation and non-participation in such exercise. Amends TCA Title 49, Chapter 6. by *Crowe, *McNally, *Burks, *Graves, *Carter, *Trail, *Dixon, *Atchley, *Crutchfield, *Burchett. (HB2549 by *Davis (Washington), *Godsey, *Mumpower)

Senate Bill No. 2778 -- Contractors - Allows board for licensing contractors to establish scholarships at Tennessee institutions of higher learning for students pursuing course of study related to profession of contracting. Amends TCA Section 49-7-826 and Title 62, Chapter 6, Part 1. by *Cooper J. (*HB2465 by *Head)

Senate Bill No. 2792 -- Domestic Violence - Authorizes courts to compel perpetrator of domestic violence to reimburse domestic violence shelter for reasonable costs of providing necessary shelter services for perpetrator's victims. Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 11, Part 1 and Title 71, Chapter 6, Part 2. by *Rochelle. (*HB2124 by *Bone)

***Senate Bill No. 2957** -- Mental Health and Developmental Disabilities, Dept. of - Expands patient confidentiality and reporting provisions; clarifies criteria for patient decision-making capacity; broadens custody provisions for residential patients; makes other various revisions to mental health and developmental disabilities provisions. Amends TCA Titles 10 and 33. by *Person. (HB3134 by *Stanley)

Senate Bill No. 3038 -- Taxes, Real Property - Broadens exemption from ad valorem taxation for housing for low-income elderly or handicapped to include properties financed under McKinney-Vento Homeless Assistance Act and HOME Investment Partnerships Program. Amends TCA Section 67-5-207. by *Harper. (*HB3010 by *Arriola)

Senate Bill No. 3125 -- Alcoholic Beverages - Redefines "motor speedway" for authorization of sales and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Rochelle. (*HB2320 by *Bone)

CONSENT CALENDAR

April 17, 2002

The following local bills have been placed on the Consent Calendar for **April 24, 2002**: House Bill(s) No(s). 3265, 3266 and 3268.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

WEDNESDAY, APRIL 17, 2002 – EIGHTY-THIRD LEGISLATIVE DAY

RECESS MOTION

On motion of Rep. Davidson, and pursuant to House Joint Resolution No. 856, the House stood in recess until 1:00 p.m., Wednesday, April 24, 2002.